

# EXHIBIT 5

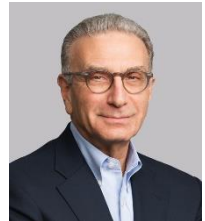


**Barry I. Slotnick**  
Chair, Intellectual Property and Entertainment  
Litigation

345 Park Avenue  
New York, New York 10154

**Direct** 212.407.4162

bslotnick@loeb.com



Barry Slotnick is a nationally recognized intellectual property litigator who represents high-profile clients in the music and entertainment industries, as well as major brands across the advertising, licensing and merchandising sectors. Barry has litigated scores of copyright infringement cases in courts throughout the United States, as well as numerous disputes addressing the respective rights of copyright and trademark owners and users, including rights of privacy and publicity.

His clients have included entertainment companies such as SONY/ATV Music Publishing, Universal Music, EMI Music, Peer Music, Broadway Video, Downtown Music, Shapiro Bernstein, Spirit Music, SoundExchange Works, the Harry Fox Agency, the National Music Publishers' Association, AMC and BBC America. Mr. Slotnick has also represented artists and creators such as the Allman Bros. Band, the Beastie Boys, the Ben E. King Estate, Billy Squier, Carrie Underwood, Herman's Hermits, the Johnny Cash Estate, Queensryche, Macklemore and Ryan Lewis, Steven Lutvak, Robert Freeman, David Guetta, and the J.R.R. Tolkien Estate. His representation also includes companies outside the entertainment sector, such as Anheuser-Busch, Dell Computers, DDB Worldwide, Eveready Battery, Fifth Third Bank, Motorola, Museum of Modern Art, New York Life, Toyota and Harley-Davidson.

Barry has lectured extensively on copyright and entertainment issues for the Practising Law Institute and other industry groups. He sits on the boards of Volunteer Lawyers for the Arts and the Copyright Society of the USA.

Among Barry's many distinctions is Chambers USA's description of him as a "savvy lawyer who is excellent in and out of the courtroom" and "one of the most well-respected music litigators in New York." The accolades that Barry values most, however, are the private ones that come from clients who express their appreciation for his work.

### Practice Areas

- Intellectual Property
- Entertainment & IP Litigation
- Litigation
- Advertising, Marketing & Promotions
- Music



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## Representative Experience

- Represented numerous defendants, including, The Steve Harvey Show, Deep Dish Productions, NBC Universal Television and others against claims for copyright infringement made by plaintiff We 3 Kings, Inc., a music production company. We 3 Kings claims that the Steve Harvey Show used certain music in connection with the daily talk show starring Steve Harvey without a formal license. The case settled in early 2018.
- Represented ABKCO Music, Peermusic, Spirit Music, Sony/ATV, Warner Chappell Music, and Iagem in a copyright infringement action involving more than 200 copyrighted musical works against Wolfgang's Vault and related entities, which are among the largest websites streaming music from recordings of live music concerts promoted by the late Bill Graham and other music promoters and venues. Loeb obtained a summary judgment in favor of our clients, with a federal judge concluding that by offering downloads and streaming recordings of plaintiffs' musical works, the owners of Wolfgang's Vault committed willful copyright infringement.
- Defended music publishing company Universal Music Group in a claim of copyright infringement of a song riff brought by Willa Dean Parker and Rose Banks, as successor to Homer Banks, in the U.S. District Court Middle District of Tennessee. The plaintiffs alleged that The Spenser Davis Group has access to the plaintiffs' song, "Ain't That a Lot of Love" prior to creating "Gimme Some Lovin'," and knowingly incorporated the riff. Loeb successfully filed a motion to dismiss the complaint against Universal Music Group, asserting that the plaintiff failed to state a claim on two grounds: (1) plaintiffs' lack of standing and (2) Universal Music Group is a common owner of the copyright and therefore cannot infringe its own copyright.
- Engaged as an expert by Protoons, Inc. and songwriter Steve Plotnicki in a music-related copyright and contract action to provide expert opinions as to the reasonableness of Protoon's litigators' fees.
- Successful representation of Herman's Hermits in royalties dispute against ABKCO records.
- Represented the National Music Publishers' Association in a copyright infringement lawsuit in the Southern District of New York against Fullscreen, a multichannel network operating on YouTube, in connection with the use of unlicensed musical works in videos uploaded to Fullscreen's YouTube channels. Loeb & Loeb reached a settlement that will enable music publishers to receive compensation for previous use of their works in these videos.



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- Represented National Music Publishers' Association in the negotiation of new digital media agreements with Universal Music Publishing Group and Warner Music Group, which allow publishers to monetize professional videos.
- Obtained a copyright and an e-discovery victory in the Central District of California when the court granted summary judgment on behalf of clients David Guetta and Frédéric Riesterer, producers and writers of The Black Eyed Peas' song I Gotta Feeling, and publisher Shapiro Bernstein & Co., Inc., in a copyright infringement suit brought by an unknown artist with respect to the hit song. The Ninth Circuit affirmed the district court's summary judgment dismissal on appeal.
- Secured a major victory in a bench trial on behalf of clients Sony Corporation of America, Sony Music Entertainment, and Sony/ATV Music Publishing, obtaining dismissal of copyright infringement claims brought by Mayimba Music, Inc. involving Latin-American pop star Shakira's 2010 hit song "Loca, Loca, Loca."
- Represented WB Music Corporation and Sony/ATV Music Publishing, LLC in the defense of a copyright infringement lawsuit brought in the Eastern District of Virginia by Devin Copeland.
- Continued representation of Albert E. Brumley & Sons, Inc. (Integrated Copyright Group) and Robert B. Brumley in defense of client in copyright termination issues relating to the musical composition I'll Fly Away. Secured a remand of the decision against the client by the Sixth Circuit. This case is expected to be retried in the later portion of 2014.
- Defended SoundExchange in a copyright infringement action in the United States District Court of Rhode Island brought by Ronald Emrit. After securing dismissal of the action, the case is now pending on appeal in the First Circuit Court of Appeals.
- Defending various music publishing companies, including Universal Music Group, Sony Music Entertainment and Sony/ATV Publishing entities, and Warner Music Group, in a massive copyright infringement action brought by Paul Batiste in the United States District Court for the Eastern District of Louisiana.
- Defending Liberation Music Pty in a DMCA takedown case brought by Professor Lawrence Lessig.
- Successful representation of BMG Records in action against P2P file sharing service. (A&M Records v. Napster)
- Secured a significant copyright victory on behalf of writers Steven Lutvak and Robert L. Freedman when the U.S. District Court for the Southern District of New York granted a motion to



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dismiss a complaint alleging that the clients' musical play infringed the copyright of the classic motion picture Kind Hearts and Coronets.

- Represented independent music publisher peermusic in the acquisition of David Foster's catalog of more than 500 songs, as well as in a publishing agreement for exclusive representation of the internationally acclaimed songwriter-producer's future works.
- Represented Spirit Music in its acquisition of copyrights, administration rights and writers share income of the song catalog of Pete Townshend.
- Obtained dismissal of claims brought by the Estate of Joe Brown against Arc Music Group for alleged infringement of more than 80 works from the early years of rock and roll.
- Represented independent online record distributors as Amicus Curiae in *In re Grokster*.
- Won summary judgment for Beastie Boys, its record company EMI and music publishing company, Universal Music, in connection with plaintiff's claim of copyright infringement, and affirmance by Ninth Circuit Court of Appeals. U.S. Supreme Court denied Newton's petition for certiorari.
- Representation of numerous merchandisers and licensing rights holders in ex parte seizure of bootleg merchandise at concert venues throughout the U.S.
- Successful representation of BMI, EMI and Peer Music in case covering hundreds of musical compositions claimed by other publishers and performing rights organizations. (*Peer v. Lamco*)
- Represented defendant Rainbow Media (Cablevision) in copyright and idea theft action regarding television program broadcast on BRAVO network.
- Representation of RIAA as Amicus Curiae in New York State Court of Appeals confirming rights of record companies in master recordings not protected by copyright.
- Successful defense of Peer Music in copyright claim brought by heirs of former Peer writer claiming breach of contract and copyright infringement; trial Court decision upheld on appeal to First Circuit Court of Appeals. (*Venegas v. Peer*)
- Represented Buena Vista Home Entertainment and Walt Disney Pictures in a right of publicity and copyright action against the estate of late horse-racing announcer Charles "Chic" Anderson arising from the motion picture *Secretariat*. The court granted declaratory judgement in favor of Loeb's client, noting that defendants had "no discernible right of publicity" and no cause of action under copyright law.



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- Represented Marilyn Monroe LLC, formed by Anna Strasberg, wife of Lee Strasberg - Marilyn Monroe's acting coach and the residuary beneficiary of Marilyn Monroe's Last Will and Testament, in right of publicity litigation with Monroe photographer Sam Shaw/Shaw Family Archives, Ltd.
- Represented Bertelsmann SE & Co. KGaA in its sale of BMG Music Publishing for EUR1.63 billion (approximately US\$2.09 billion) to winning bidders Vivendi and its subsidiary Universal Music Group.

### Distinctions

- Named "Best Lawyer" in Copyright Law, Entertainment Law - Music, and Litigation - Intellectual Property, *The Best Lawyers in America*, published by Woodward White, Inc. (2018-2019)
- Named in *The Legal 500 Hall of Fame* in Copyright, published by Legalease Limited and John Pritchard (2017-2018 editions)
- Named "Media and Entertainment MVP" by *Law360* (2015)
- Adjunct Professor, Entertainment Law, Syracuse University College of Law
- Named an "IP Star" by *Managing Intellectual Property* magazine (2013-2018)
- Named as a "Leading Lawyer" in *The Legal 500 US* in Copyright, published by Legalease Limited and John Pritchard (2007, 2008, 2011-2013, 2015-2018 editions)
- Named in *Chambers USA, America's Leading Lawyers for Business*, in New York Media & Entertainment: Copyright & Contract Disputes (2006-2013, 2016-2018 editions)
- Named "New York Metro Super Lawyer" in Intellectual Property Litigation and Entertainment & Sports and Business Litigation by Thomson Reuters (2006-2018)
- Named one of the "Leading Lawyers in America," *Lawdragon 3000 Leading Lawyers Guide* (2006)
- Highest "AV Preeminent (5 out of 5)" Professional Rating, *Martindale-Hubbell Law Directory*

### Affiliations

- President, Copyright Society of the U.S.A. (2004-2006)
- Editorial Board, *Journal of the Copyright Society of the U.S.A.*
- Board of Directors, Association of Independent Music Publishers



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- Member, Patent, Trademark, and Copyright Committee; Entertainment and Sports Committee; Litigation Committee, American Bar Association

### Publications

- Co-Author, A New Standard For Attorneys' Fee Awards In Copyright Cases, *Law360* (June 28, 2016)
- Co-author, Entertainment Law: Forms and Analysis, *Law Journal Press* (2011)

### Media Mentions

- Rock Stars Fight Depositions in Legal Dispute Spanning Decades of Music History, *The Hollywood Reporter* (February 23, 2017)
- Music Stars Plead "Don't Use Our Song" on John Oliver's HBO Show, *Bloomberg BNA* (July 29, 2016)
- Pandora, iHeartRadio, Spotify Affected by Digital Music Copyright Ruling, *Inside Counsel* (January 5, 2016)
- Law360's Weekly Verdict: Legal Lions & Lambs, *Law360* (August 14, 2015)
- Taking Back 'Funkytown': Songwriters Prepare For a Custody Battle, *National Public Radio (NPR)* (September 13, 2013)
- WTO Gives Antigua Go-Ahead to Suspend US Copyright, *World Intellectual Property Review* (January 29, 2013)
- Emergence of Cloud Technology Raises Complex Copyright Issues, Lawyers Say, *BNA's Patent Trademark & Copyright Journal* (September 30, 2011)
- Bankers, Lawyers Play Increasing Role in Developing New Musical Stars, *The Tennessean* (October 26, 2010)
- Piracy and Illegal File-Sharing: UK and US Legal and Commercial Responses, *Practical Law Company Cross-border* (July 30, 2010)
- Music Industry Eases Tactics in Fighting Piracy, *Billboard* (January 5, 2009)
- Steal This Hook? D.J. Skirts Copyright Law, *The New York Times* (August 7, 2008)
- Co-Author Conflict, *InsideCounsel Magazine* (January 2, 2008)
- Summation: Cast of Characters, *IP Law and Business* (August 2006)



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- Raising 'Hell', *Billboard Magazine* (June 17, 2006)

## Events

- Speaker, Understanding the Intellectual Property License 2016 (November 7-8, 2016)
- Speaker, The California State Bar IP Institute (November 12-14, 2015)
- Speaker, PLI's Understanding the Intellectual Property License 2015 (November 9-10, 2015)
- Speaker, PLI's Technotainment 2015: Distributing Content Across Multiple Platforms (October 15, 2015)
- Speaker, Loeb & Loeb IP/Entertainment Law Conference (October 7, 2015)
- Speaker, Loeb & Loeb IP/Entertainment Law Conference (September 17, 2015)
- Speaker, Understanding the Intellectual Property License 2013 (November 4-5, 2013)
- Speaker, Understanding the Intellectual Property License 2012 (October 18-19, 2012)
- Speaker, MLRC/NAA/NAB 2012 Media Law Conference (September 12-14, 2012)
- Moderator, 12th Annual Digital Music Forum: East (February 22-23, 2012)
- Speaker, CMJ 6th Annual Entertainment Business Law Seminar (October 21, 2011)
- Speaker, NYSBA: The DMCA Safe Harbor: Anchored or Adrift? (March 2, 2011)
- Speaker, AMEC: The Ins and Outs of Music Copyright Infringement Litigation (January 6, 2011)
- Speaker, Leadership Music Digital Summit-Next Big Nashville Music (September 28 - October 2, 2010)
- Speaker, Understanding Copyright Law 2010 (July 19, 2010)
- Speaker, Understanding Copyright Law 2009 (July 27, 2009)
- Speaker, Loeb & Loeb LLP Presents an Intellectual Property Webinar Series: What Veoh Teaches (October 23, 2008)
- Speaker, Understanding Copyright Law 2008 (July 28, 2008)
- Speaker, Buying and Selling Music Catalogs: What Songwriters, Publishers and Investors Should Know (October 30, 2007)
- Speaker, Creators vs. Consumers: The Rhetoric, Reality and Reformation of Intellectual Property Law and Policy (October 26, 2007)





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- Speaker, Copyright, Technology and the Public's Need to Have Entertainment on Demand (October 17, 2007)
- Speaker, Second Corporate Counsel Institute: Critical Issues, Fresh Ideas, Best Practices (October 11-12, 2007)
- Speaker, Practising Law Institute - Understanding Copyright Law (July 30, 2007)
- Speaker, Copyright, Technology, and the Public's Need to Have Entertainment on Demand (March 21, 1007)
- Speaker, Copyright Society of the U.S.A., New York Chapter (January 18, 2006)
- Speaker, Licensing Copyrights, Trademarks & Rights of Publicity, The Do's and Don'ts (New York City Bar Center for CLE) (October 17, 2005)
- Speaker, ABA Forum on the Entertainment and Sports Industries (October 7, 2005)

#### Education

Syracuse University College of Law, J.D., 1972, *With Honors*  
Queens College, B.A., 1968

#### Bar Admissions

New York, 1972

#### Court Admissions

U.S. Court of Appeals, First Circuit, 2004  
U.S. District Court for the Western District of New York, 1998  
U.S. Court of Appeals, Eleventh Circuit, 1989  
U.S. District Court for the Eastern District of Wisconsin, 1988  
U.S. Court of Appeals, Ninth Circuit, 1984  
U.S. Court of Appeals, Third Circuit, 1980  
U.S. Supreme Court, 1976  
U.S. Court of Appeals, Second Circuit, 1975  
U.S. District Court for the Southern District of New York, 1974  
U.S. District Court for the Eastern District of New York, 1974  
New York Court of Appeals, 1972